



RECEIVED 1-24-03
JAN 28 2003
TC 1700¹

CPA/1700 \$

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Anticipated Classification
of this Application:
Class: _____
Subclass: _____

4/03
02 05 03

Prior Application: Serial Number: 09/755,644
Examiner: Cephia D. Toomer
Art Unit: 1714 RCB

CONTINUED PROSECUTION APPLICATION(CPA)(37 CFR 1.53(d))

CERTIFICATION UNDER 37 CFR § 1.10

I hereby certify that this new application and the document referred to as enclosed herein are being deposited with the United States Postal Service on the date shown below in an envelope bearing "Express Mail Post Office to Addressee" Mailing Label Number EV 094 374 772 US addressed to: Assistant Commissioner for Patents, BOX CPA, Washington, D.C. 20231, on the date shown below.

Date 1-22-2003 By: [Signature]
Cliff Cannon-Cin

Assistant Commissioner for Patents
Box CPA
Washington, D.C. 20231

Sir:

This is a request for filing under the continued prosecution application procedure, 37 C.F.R. 1.53(d), for a continuation application.

I. PARTICULARS OF PRIOR APPLICATION

- A. Application Serial No. 09/755,644 filing date 6 Jan 2001
- B. Title (as originally filed): NON-SOOTING PARAFFIN CONTAINING CANDLE
- C. Name of Applicants (as originally filed and as last amended) and current correspondence address of applicants:

Name: Alfred D. Roeske
Correspondence Address: 29821 Jeans Road
Veneta, OR 97487

Name: Jerome C. Bertrand
Correspondence Address: 1150-A Pine Street
Menlo Park, CA 94025

01/27/2003 RUNDARF1 00000062 09755644

01 FC:2006 375.00 OP
02 FC:2201 42.00 OP

03 FC:2202

The above-identified application in which no payment of issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. Please use all the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application.

It is understood that secrecy under 35 U.S.C. 122 is hereby waived to the extent that if information or access is available to any one of the applications in the file wrapper of a 37 CFR 1.62 application, be it either this application or a prior application in the same file wrapper, the PTO may provide similar information or access to all the other applications in the same file wrapper.

II. INVENTORSHIP STATEMENT

1. This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application are the same.

2. The inventorship for all the claims in this application are the same as in the prior application.

III. DECLARATION OR OATH

No further declaration or oath is required since this is a continuation application, and a copy of the oath or declaration filed in the parent case is already of record.

IV. FEE CALCULATION - PRELIMINARY AMENDMENTS

The fees to be charged are to be based on the number of claims remaining in the parent application as amended by the Preliminary Amendment filed herewith.

	(Col. 1)		(Col. 2)		(Col. 3)
	CLAIMS REMAINING IN PARENT APPLICATION	HIGHEST NO. PAID FOR IN STD FEE	PRESENT EXTRA	RATE	BASIC FEE \$750
TOTAL	26	MINUS ** 20	= 6	X 18=	\$108
INDEP.	4	MINUS *** 3	= 1	X 84=	\$84
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+200=	\$0

TOTAL . . . \$942

*If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

**If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

***If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.)

V. SMALL ENTITY STATEMENT

An assignment of this application to Cleanwax, LLC is of record in this case. A verified statement that Cleanwax, LLC is a small entity is also of record in this case. This status is still proper and its benefit under 37 CFR 1.28(a) is hereby claimed.

50% Filing Fee Reduction (if applicable). . \$ 471.00

VI. METHOD OF PAYMENT OF FEES

Attached is check in the amount of \$471.00 for payment of the filing fee for this application.

VII. RELATE BACK - 35 U.S.C. 120

Please amend the specification by deleting any existing reference to related applications by inserting before the first line the sentence:

This is a continuation of co-pending application Serial No. 09/755,644 filed on 6 January 2001, which claims the benefit of the filing date of provisional application 60/179,767 filed on 2 February 2000.

VIII. MAINTENANCE OF COPENDENCY OF PRIOR APPLICATION

A petition and fee has been filed to extend the term in the pending *prior* application until 16 February 2003. A copy of the petition for extension of time in the *prior* application is attached.

IX. ABANDONMENT OF PRIOR APPLICATION

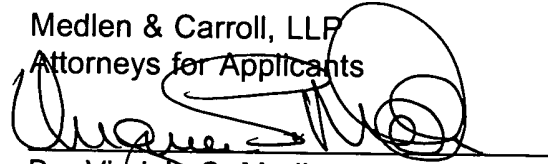
Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time in that application is granted, and when this application is granted a filing date so as to make this application copending with said prior application. At the same time, please add the words "now abandoned" to the amendment to the specification set forth in VIII above.

X. PRELIMINARY AMENDMENT

A preliminary amendment is filed herewith which responds, by amendment or argument, to all issues raised by the Examiner in the last office action mailed on 16 August 2002 in the prior application.

Respectfully submitted:

Medlen & Carroll, LLP
Attorneys for Applicants

A handwritten signature in black ink, appearing to read 'Virginia S. Medlen', is written over a horizontal line.

By: Virginia S. Medlen
Reg. No. 32,050

101 Howard Street, Suite 350
San Francisco, CA 94105
Tel: 415-904-6500
Fax: 415-904-6510
Email: vsm@medlencarroll.com

Atty File No: CW-06720



PATENT
Attorney Docket No. CW-06720

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Roeske et al.

Serial No.: 09/755,644

Filed: 01/06/2001

Entitled: NON-SOOTING PARAFFIN CONTAINING
CANDLE

Group No.: 1714

Examiner: Cephia Toomer

#12/jm
02-05-03

PRELIMINARY AMENDMENT
IN A CONTINUED PROSECUTION APPLICATION

RECEIVED
JAN 28 2003
TC 1700

Assistant Commissioner for Patents

BOX: CPA

Washington, D.C. 20231

CERTIFICATION UNDER 37 CFR § 1.10	
I hereby certify that this new application and the document referred to as enclosed herein are being deposited with the United States Postal Service on the date shown below, in an envelope bearing "Express Mail Post Office to Addressee" Mailing Label Number <u>EV 094 374 772 US</u> addressed to:	
Assistant Commissioner for Patents, BOX CPA, Washington, D.C. 20231, on the date shown below.	
Date <u>1-22-2003</u>	By: <u>[Signature]</u> Cliff Cannon-Cin

Sir:

PRELIMINARY AMENDMENT

In order to place this Continued Prosecution Application in condition to begin prosecution, please amend the prior application Serial No. 09/755,644 filed on January 6, 2001 as follows:

IN THE CLAIMS

Claims 1 and 9 are being amended as shown in the marked-up version of the claims as attached hereto as Appendix I. A clean version of the rewritten claims is attached hereto as Appendix 2, as required by 37 C.F.R. 1.121.

REMARKS

Applicants respectfully request entry of the above preliminary amendment. Applicants respectfully request further examination and reconsideration in view of the above amendment and the arguments set forth fully below.